This DRAFT Docket has been prepared for the purposes of the scheduled public hearing and may be substantially modified as a result of the public hearing process prior to Commission action.

10/31/2017 4:20 PM

DOCKET NO. D-1989-018 CP-7

DELAWARE RIVER BASIN COMMISSION

Delaware County Solid Waste Authority
Rolling Hills Leachate Treatment Plant and Wetlands Treatment System
Earl and Oley Townships, Berks County, Pennsylvania

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Keystone Engineering Group on behalf of Delaware County Solid Waste Authority (DCSWA or docket holder), on December 20, 2016 (Application) for a modification of the DRBC approval of the docket holder's existing leachate treatment plant (LTP), wetlands treatment system (WTS), and their associated discharges. The Pennsylvania Department of Environmental Protection (PADEP) issued National Pollutant Discharge Elimination System (NPDES) Permit No. PA0040860 for the IWTP discharge on March 17, 2010.

The Application was reviewed for continuation of the project in the Comprehensive Plan and approval under Section 3.8 of the *Delaware River Basin Compact*. The Berks County Planning Commission have been notified of pending action. A public hearing on this project was held by the DRBC on November 15, 2017.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to modify the DRBC approval and docket conditions for operation of the docket holder's existing treatment facilities and discharges at the Rolling Hills landfill. The modification reflects the decommissioning and cessation of operations at the 0.12 mgd Rolling Hills LTP and its discharge to Manatawny Creek. The docket holder will maintain the 0.087 mgd Rolling Hills WTS and its discharge to Furnace Run, which will not be modified. The docket holder has requested to maintain permitting and the ability to operate and discharge from the LTP, and therefore conditions of this DRBC docket approval will reflect the change in operations at the facility and contingencies for recommissioning of the LTP and its discharge of treated landfill leachate in the future.

Location. The DCSWA Rolling Hills Landfill and its treatment facilities are located on Woodchoppertown Road on the border of Earl and Oley Townships, Berks County Pennsylvania. The Rolling Hills WTS will continue to discharge to Furnace Run, which is tributary to Manatawny Creek, which is tributary to the Schuylkill River, at River Mile 92.5 – 54.2 – 13.9 – 1.4 (Delaware River – Schuylkill River – Mantawny Creek – Furnace Run) via Outfall No. 006. The Rolling Hills LTP formerly discharged to Manatawny Creek, which is tributary to the Schuylkill River, at River Mile 92.5 – 54.2 – 12.2 (Delaware River – Schuylkill River – Mantawny Creek) via Outfall No. 001. This docket approves DCSWA to maintain approval for the LTP and its discharge from Outfall No. 001 should the LTP operations be recommissioned in the future.

The project outfalls are located in the Schuylkill River Watershed as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 20' 21"	75° 44' 35"
006	40° 21' 26"	75° 43' 00"

3. Area Served. The docket holder's WTS will continue to receive underdrain water from the three landfill underdrains at the Rolling Hills Landfill located in Earl and Oley Towsnhips, Berks County, Pennsylvania. The docket holder's LTP has ceased to receive leachate from the Rolling Hills landfill, which is currently being sent offsite for treatment and disposal; however, this docket authorizes the docket holder to maintain approval for the LTP and its discharge to Manatwany Creek should the LTP resume landfill leachate treatment operations in the future. The docket holder currently sends landfill leachate generated by the Rolling Hills Landfill to the Borough of Pottstown Wastewater Treatment Plant (WWTP), with the Delaware County Regional Water Authority (DELCORA) Western Regional Treatment Plant (WRTP) as an alternative location for treatment and disposal.

For the purpose of defining the Area Served, Section B (Type of Discharge) and D (Service Area) of the docket holder's Application are incorporated herein by reference, to the extent consistent with all other conditions contained in the DECISION Section of this docket.

4. <u>Physical features</u>.

- **a.** <u>Design criteria</u>. The docket holder's 0.087 mgd WTS treats landfill underdrain water via a constructed wetlands. The decommissioned 0.12 mgd LTP is designed to treat landfill leachate via equalization, clarification, neutralization, a sequencing batch rector (SBR) treatment system, filtration, and ultraviolet light (UV) disinfection.
- **b.** <u>Facilities</u>. The WTS consists of a constructed wetland area that receives up to 0.087 mgd of flow from 3 landfill underdrains. The decommissioned LTP consists of 2 chamber/pump stations, 2 equalization tanks, a chemical mixing tank, a primary clarifier, a neutralization tank, a heat treatment unit, 4 SBR units, a chemical addition unit, a neutralization

unit, a filtration unit, 2 upflow carbon adsorption units, a secondary dual media pressure filter, a distillation unit, 2 brine tanks, distillation water storage tanks, and a UV disinfection system.

The project facilities not located in the 100-year floodplain.

Currently, no sludge is produced at the site. However, the PADEP has approved the disposal of dewatered LTP sludge to the active zones of the landfill or to be hauled off-site by a licensed hauler for disposal at a state-approved facility.

- c. <u>Water withdrawals</u>. The potable water supply in the project service area is supplied by an on-site, up-gradient well and LTP maintenance water supply is provided by another on-site well. The total withdrawal from the wells are a rate below the DRBC groundwater withdrawal review threshold and is not subject to Commission review and approval
- **d.** NPDES Permit / DRBC Docket. NPDES Permit No. PA0040860 was issued by the PADEP on March 17, 2010 and includes final effluent limitations for the project discharge of 0.087 mgd from the WTS to surface waters classified by the PADEP as cold water fisheries (CWF). The following average monthly effluent limits and monitoring requirements are among those listed in the NPDES permit and meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE A-1: DRBC Parameters Included in NPDES Permit for Outfall No. 006 (the WTS discharge)

OUTFALL 006 (WTS effluent to Furnace Run)			
PARAMETER	LIMIT	MONITORING	
pH (Standard Units)	6 to 9 at all times	As required by NPDES permit	
Total Suspended Solids	30 mg/l	As required by NPDES permit	
CBOD (5-Day at 20° C)	25 mg/l, 85% Minimum Removal	As required by NPDES permit	
Ammonia Nitrogen (5-1 to 10-31)	6.0 mg/l	As required by NPDES Permit	
(11-1 to 4-30	18 mg/l	1	
Total Dissolved Solids*	2,000 mg/l	As required by NPDES permit	

^{*} See DECISION Condition C.II.u. of this docket.

The LTP has been decommissioned and has ceased operations; however, the effluent requirements for the LTP discharge (Outfall No. 001, EFFLUENT TABLE A-2, below) are being maintained at the request of the docket holder should the LTP be recommissioned in the future. The effluent requirements are included in NPDES Permit No. PA0040860 for the project discharge of 0.12 mgd from the LTP via Outfall No. 001 to surface waters classified by the PADEP as CWF.

EFFLUENT TABLE A-2: DRBC Parameters Included in NPDES Permit for Outfall No. 001 (the LTP discharge)

OUTFALL 001 (LTP effluent to Manatawny Creek)			
PARAMETER	LIMIT	MONITORING	
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit	
Total Suspended Solids	30 mg/l	As required by NPDES Permit	
CBOD ₅ (at 20° C)	25 mg/l, 85% Minimum Removal	As required by NPDES Permit	
Ammonia Nitrogen	4.9 mg/l	As required by NPDES Permit	
Fecal Coliform (5-1 to 9-30)	200 colonies per 100 ml as a geo. avg.	As required by NPDES Permit	
(10-1 to 4-30)	2000 colonies per 100 ml as a geo. avg.		
Color (Platinum Cobalt Scale)	100 Units (Daily Maximum)	As required by NPDES Permit	
Total Dissolved Solids*	See EFFLUENT TABLES B-1 and B-2	As required by NPDES Permit	
	in FINDINGS section		

^{*} See DECISION Condition C.II.u. and FINDINGS section of this docket.

e. Relationship to the Comprehensive Plan. The Rolling Hills Sanitary Landfill was originally known as the Colebrookdale Builders Landfill, named after its original owners. The original LTP and effluent discharge were approved by DRBC Docket No. D-77-11, but the LTP was not constructed by Colebrookdale Builders, Inc. In 1982 the landfill was sold to DCSWA and DRBC Docket No. D-89-18 CP was approved on June 22, 1994 for the construction of a 0.08 mgd LTP and its discharge to Manatawny Creek. Prior to completion of the LTP, leachate was hauled to local sewage treatment plants for treatment and discharge. On June 28, 1995, the LTP outfall to Manatawny Creek was relocated approximately 1-river mile downstream from the originally planned site for the LTP outfall in order to provide additional streamflow and to diffuse effluent. Docket No. D-1989-018 CP-4 approved the continuation of the Rolling Hills LTP in the Comprehensive Plan at a discharge rate of 0.115 mgd on December 9, 2009. Docket No. D-1989-018 CP-5 was approved on March 3, 2010 and included an expansion of the LTP to 0.12 mgd. Docket No. D-1989-018 CP-6, approved on March 11, 2015 renewed approval of the facility. Issuance of this docket (D-1989-018 CP-7) will continue approval of the docket holder's facilities in the Comprehensive Plan.

B. FINDINGS

The docket holder submitted an Application to modify the DRBC approval and docket conditions for operation of the Rolling Hills landfill LTP and WTS. The modification reflects the decommissioning of the Rolling Hills LTP and cessation of its discharge to Manatawny Creek. The docket holder will maintain the 0.087 mgd Rolling Hills WTS and its discharge to Furnace Run. The docket holder has requested to maintain permitting and the ability to operate and discharge from the LTP, should the LTP be recommissioned in the future.

Total Dissolved Solids (TDS) Determination

Section 3.10.4.D.2 of the Commission's Water Quality Regulations (WQR) states:

"Total dissolved solids shall not exceed 1000 mg/l, or a concentration established by the Commission which is compatible with designated water uses and stream quality objectives, and recognizes the need for reserve capacity to serve future dischargers."

The Commission's basin-wide in-stream TDS criteria is that the receiving stream's resultant TDS concentration be less than 133% of the background (WQR Section 3.10.3.B.1.b.) and the receiving stream's resultant TDS concentration be less than 500 mg/l (WQR Section 3.10.3.B. 2.). The discharge is required to comply with the more stringent of the above in-stream criteria. The 133% of the background TDS requirement is for the protection of aquatic life. The 500 mg/l TDS requirement is to protect the use of the receiving stream as a drinking water source. The EPA's Safe Drinking Water Act secondary standard for TDS is 500 mg/l.

This docket continues the TDS determination for the 0.087~mgd WTS consisting of effluent limits of 2,000~mg/l (average monthly) TDS for Outfall No. 006.

As part of the D-1989-018 CP-6 docket approval, the docket holder was required to perform ecological studies to determine if the continued discharge from Outfall No. 006 has a significant adverse impact on the aquatic community of the receiving stream (Furnace Run). DECISION Condition C.II.j. of this docket requires the docket holder to continue to perform an ecological study that includes sampling locations on Furnace Run in accordance with the plan previously approved by the Commission following issuance of Dockets No. D-1989-018 CP-4, D-1989-018 CP-5, and D-1989-018 CP-6. Frequency is twice per docket cycle. Commission staff require that the studies be performed in 2018 and 2020 and be submitted by April 1 of the following year. The ecological studies are required to support the continued maximum daily TDS effluent limit of 2,000 mg/l for Outfall 006. The docket holder is also required to submit this assessment to PADEP and the Pennsylvania Fish and Boat Commission (PFBC).

Conditions for Recommissioning of LTP and Discharge Via Outfall No. 001

Docket No. D-1989-018 CP-6 was approved for the Rolling Hills Landfill on March 11, 2015 and continued approval of a variance to the Commission's basin-wide TDS effluent limit for the LTP at varying discharge rates in accordance with EFFLUENT TABLES B-1 and B-2, below. The tables represent LTP flows and effluent TDS concentrations that must be met in order for the discharge not to increase the background TDS concentration in Manatawny Creek by more than 133% at Q₇₋₁₀. This docket (D-1989-018 CP-7) reflects the decommissioning of the LTP, but approves DCSWA to recommission the LTP discharge in the future and approves a TDS determination for the LTP discharge (Outfall No. 001) as described in the next section, conditional upon meeting the requirements of this section.

EFFLUENT TABLES B-1 and B-2 were derived from EQUATION 1 (MGD) and EQUATION 2 (CFS) below and summarized in the respective table for easy reference. The tables and equations are included in NPDES Permit No. PA0040860. The docket holder shall follow the appropriate equation when determining the allowable LTP discharge rate when flows in Manatawny Creek are below 49 mgd (76 cfs). When flows in the Manatawny Creek are above 49 mgd (76 cfs), the docket holder is permitted to discharge up to 0.12 mgd from Outfall 001.

EQUATION 1 (MGD): $Q_{LTP} = 0.00245 \text{ x } Q_{Manatawny}$

 Q_{LTP} is the allowable discharge flow from the LTP in mgd $Q_{Manatawny}$ is the in-stream flow of Manatawny Creek at Spangsville in mgd

EQUATION 2 (CFS): Q_{LTP} = 0.00158 x Q_{Manatawny}

Q_{LTP} is the allowable discharge flow from the LTP in mgd Q_{Manatawny} is the in-stream flow of Manatawny Creek at Spangsville in cfs

A minimum of one flow reading per day from the United States Geological Survey (USGS) Spangsville gage (Gage No. 01471875) must be taken in order to maintain or modify LTP daily operations. The flow and time shall be recorded and all discharges from the LTP shall be made in accordance with permissible flows as related to TDS.

EFFLUENT TABLE B-1

FLOW AT SPANGSVILLE GAGE (MGD), ALLOWABLE LTP DISCHARGE & ALLOWABLE LTP TDS CONCENTRATION*			
FLOW AT SPANGSVILLE (MGD)	FLOW FROM LTP (MGD)	DAILY MAXIMUM TDS CONCENTRATION FROM LTP (MG/L)	ESTIMATED DAILY STORAGE REQUIRED (TREATED EFFLUENT) (MG)
49 or greater	Up to 0.12	30,000	0
45 or greater	Up to 0.11	30,000	0.01
41 or greater	Up to 0.10	30,000	0.02
37 or greater	Up to 0.09	30,000	0.03
33 or greater	Up to 0.12	20,289	0
33 or greater	Up to 0.11	22,107	0.01
33 or greater	Up to 0.10	24,000	0.02
33 or greater	Up to 0.09	26,667	0.03
33 or greater	Up to 0.08	30,000	0.04
29 or greater	Up to 0.07	30,000	0.05
25 or greater	Up to 0.06	30,000	0.06
21 or greater	Up to 0.05	30,000	0.07
17 or greater	Up to 0.04	30,000	0.08

FLOW AT SPANGSVILLE GAGE (MGD), ALLOWABLE LTP DISCHARGE & ALLOWABLE LTP TDS CONCENTRATION*			
FLOW AT SPANGSVILLE (MGD)	FLOW FROM LTP (MGD)	DAILY MAXIMUM TDS CONCENTRATION FROM LTP (MG/L)	ESTIMATED DAILY STORAGE REQUIRED (TREATED EFFLUENT) (MG)
13 or greater	Up to 0.03	30,000	0.09
8.34 (Q ₇₋₁₀) or greater	Up to 0.02	30,000	0.10

^{*} When flow at the USGS Spangsville gage is 49 mgd or greater, an LTP discharge of up to 0.12 mgd with a daily maximum TDS concentration of 30,000 mg/l is permitted. Weekly monitoring is required under these conditions. When flow at Spangsville is less than 49 mgd, both the LTP discharge flow and TDS concentrations shall be recorded/measured daily and shall be in accordance with EFFLUENT TABLE B-1.

EFFLUENT TABLE B-2

FLOW AT SPANGSVILLE GAGE (CFS), ALLOWABLE LTP DISCHARGE &			
FLOW AT SPANGSVILLE (CFS)	FLOW FROM LTP (MGD)	DAILY MAXIMUM TDS CONCENTRATION FROM LTP (MG/L)	ESTIMATED DAILY STORAGE REQUIRED (TREATED EFFLUENT) (MG)
76 or greater	Up to 0.12	30,000	0
70 or greater	Up to 0.11	30,000	0.01
64 or greater	Up to 0.10	30,000	0.02
58 or greater	Up to 0.09	30,000	0.03
51 or greater	Up to 0.12	20,289	0
51 or greater	Up to 0.11	22,107	0.01
51 or greater	Up to 0.10	24,000	0.02
51 or greater	Up to 0.09	26,667	0.03
51 or greater	Up to 0.08	30,000	0.04
45 or greater	Up to 0.07	30,000	0.05
38 or greater	Up to 0.06	30,000	0.06
32 or greater	Up to 0.05	30,000	0.07
26 or greater	Up to 0.04	30,000	0.08
19 or greater	Up to 0.03	30,000	0.09
12.90 (Q ₇₋₁₀) or greater	Up to 0.02	30,000	0.10

^{*} When flow at the USGS Spangsville gage is 76 cfs or greater, an LTP discharge of up to 0.12 mgd with a daily maximum TDS concentration of 30,000 mg/l is permitted. Weekly monitoring is required under these conditions. When flow at Spangsville is less than 76 cfs, both the LTP discharge flow and TDS concentrations shall be recorded/measured daily and shall be in accordance with EFFLUENT TABLE B-2.

Other Requirements

As part of the current docket approval (D-1989-018 CP-6), the docket holder was required to perform ecological studies every two years to determine if the continued discharge from Outfall No. 001 has a significant adverse impact on the aquatic community of the receiving stream (Manatawny Creek). Upon recommissioning of the LTP discharge via Outfall No. 001 to Manatwany Creek, of this docket requires the docket holder to perform an ecological study twice per docket cycle (every two years), that includes sampling locations on Manatawny Creek in accordance with the plan previously approved by the Commission following issuance of Dockets No. D-1989-018 CP-4, D-1989-018 CP-5, and D-1989-018 CP-6 (See DECISION Condition C.II.k.). The docket holder is also required to submit this assessment to PADEP and the PFBC.

Prior to recommissioning and resuming discharge from the LTP, the docket holder is required to notify the DRBC Executive Director (see DECISION Condition C.II.k.). Additionally, DECISION Condition C.II.l. requires the docket holder to continue to fund the USGS Spangsville Gage under the conditions of the decommissioned LTP (maintain USGS Gage for future flow monitoring) and under the conditions of the LTP discharging (daily flow monitoring).

At the docket holder's WTS discharge (Outfall No. 006), Furnace Run has an estimated seven-day low flow with a recurrence interval of ten years (Q_{7-10}) of 0.51 mgd (0.79 cfs). The ratio of this low flow to the hydraulic design wastewater discharge from the 0.087 mgd WTS is approximately 6 to 1. At the docket holder's LTP discharge (Outfall No. 001), Manatawny Creek has an estimated Q_{7-10} of 8.34 mgd (12.9 cfs). The ratio of this low flow to the hydraulic design wastewater discharge from the 0.12 mgd LTP is approximately 70 to 1.

The nearest surface water intake of record for public water supply downstream of the WTS discharge is on the Schuylkill River approximately 24 miles downstream of the WTS outfall (Outfall No. 006), and is operated by Pennsylvania American Water Company.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The effluent limits in the NPDES Permit are in compliance with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge meeting the effluent requirements as set forth in the Commission's WQR.

C. DECISION

- I. Effective on the approval date for Docket No. D-1989-018 CP-7 below:
- a. The project described in Docket No. 1989-018 CP-6 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. 1989-018 CP-7; and
- b. Docket No. 1989-018 CP-6 is terminated and replaced by Docket No. 1989-018 CP-7; and
- c. The project and the appurtenant facilities described in Section A "Physical Features" of this docket shall be continued in the Comprehensive Plan.
- II. The project and appurtenant facilities as described in the Section A "Physical features" of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:
- a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP in its NPDES permit.
- b. The facility and operational records shall be available at all times for inspection by the DRBC.
- c. The facility shall be operated at all times to comply with the requirements of the Commission's *WQR* and *Flood Plain Regulations (FPR)*.
- d. The docket holder shall comply with the requirements contained in the EFFLUENT TABLES in Section A.4.d. of this docket. The docket holder shall submit the required monitoring results <u>electronically</u> to the DRBC Project Review Section via email <u>aemr@drbc.state.nj.us</u> on the **Annual Effluent Monitoring Report Form** located at this web address: http://www.state.nj.us/drbc/programs/project/pr/info.html. The monitoring results shall be submitted annually, absent any observed limit violations, by January 31. If a DRBC effluent limit is violated, the docket holder shall submit the result(s) to the DRBC within 30 days of the violation(s) and provide a written explanation that states the action(s) the docket holder has taken to correct the violation(s) and protect against any future violations.
- e. Except as otherwise authorized by this docket, if the docket holder seeks relief from any limitation based upon a DRBC water quality standard or minimum treatment requirement, the docket holder shall apply for approval from the Executive Director or for a docket revision in accordance with Section 3.8 of the *Compact* and the *Rules of Practice and Procedure*.
- f. If at any time the receiving treatment facilities prove unable to produce an effluent that is consistent with the requirements of this docket approval, no further connections shall be permitted until the deficiency is remedied.

- g. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.
- h. The docket holder is permitted to treat and discharge wastewaters as set forth in the Area Served Section of this docket, which incorporates by reference Sections B (Type of Discharge) and D (Service Area) of the docket holder's Application to the extent consistent with all other conditions of this DECISION Section.
- i. The docket holder shall discharge wastewater in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property.
- j. An ecological study shall continue to be performed on Furnace Run. The results of the study shall be submitted to the DRBC, PFBC, and PADEP by April 1, 2019 and April 1, 2021, respectively.
- k. Prior to recommissioning and resuming discharge from the LTP, the docket holder is required to notify the DRBC Executive Director, and meet the requirements of the FINDINGS section of the docket. Upon recommissioning of the LTP, the docket holder is required to performed ecological studies on Manatawny Creek in accordance with the FINDINGS Section of this docket.
- l. The docket holder is required to continue funding for the USGS Spangsville Gage in order to maintain the gage for future flow monitoring, should the LTP be recommissioned. Upon recommissioning of the LTP, the docket holder is required to fund the USGS Spangsville Gage for daily flow monitoring.
- m. No sewer service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).
- n. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.
- o. The docket holder is responsible for timely submittal to the DRBC of a docket renewal application on the appropriate application form including the appropriate docket application filing fee (see 18 CFR 401.43) at least 6 months in advance of the docket expiration date set forth below. The docket holder will be subject to late filed renewal surcharges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below, the

terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

- p. The docket holder shall be subject to applicable DRBC regulatory program fees, in accordance with duly adopted DRBC resolutions and/or regulations (see 18 CFR 401.43).
- q. This approval is transferable by request to the DRBC Executive Director provided that the project purpose and area served approved by the Commission in this docket will not be materially altered because of the change in project ownership. The request shall be submitted on the appropriate form and be accompanied by the appropriate fee (see 18 CFR 401.43).
- r. The docket holder shall request a name change of the entity to which this approval is issued if the name of the entity to which this approval is issued changes its name. The request for name change shall be submitted on the appropriate form and be accompanied by the appropriate fee (see 18 CFR 401.43).
- s. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.
- t. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.
- u. The docket holder may request of the Executive Director in writing the substitution of specific conductance for TDS. The request should include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow the substitution of specific conductance for TDS monitoring.
- v. The docket holder is prohibited from treating/pre-treating any hydraulic fracturing wastewater from sources in or out of the Basin at this time. Should the docket holder wish to treat/pre-treat hydraulic fracturing wastewater in the future, the docket holder will need to first apply to the Commission to renew this docket and be issued a revised docket allowing such treatment and an expanded service area. Failure to obtain this approval prior to treatment/pre-treatment will result in action by the Commission.

BY THE COMMISSION

DATE APPROVED:

EXPIRATION DATE: December 13, 2022

